99TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPORT
No. 99-760

DIRECTING THE SECRETARY OF THE INTERIOR TO CONVEY CERTAIN INTERESTS IN LANDS IN SOCORRO COUNTY, NEW MEXICO, TO THE NEW MEXICO INSTITUTE OF MINING AND TECHNOLOGY

AUGUST 7, 1986.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. UDALL, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany H.R. 4971]

[Including the cost estimate of the Congressional Budget Office]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 4971) to direct the Secretary of the Interior to convey certain interests in lands in Socorro County, New Mexico, to the New Mexico Institute of Mining and Technology, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Page 2, line 20 through line 21, strike "Senate, and the Committee on Agriculture" and insert "Senate".

Page 3, strike lines 6 through 10 and in lieu thereof insert the following:

There are reserved to the United States all minerals that may be found in the lands described in the first section: Provided, however, that such lands, except for valid existing rights, shall not be available for location and patent under the U.S. Mining law, Act of May 10, 1872, 17 Stat. 91, 30 U.S.C. 22, 28, 28b.

PURPOSE

H.R. 4971 as reported, would direct the Secretary of the Interior to convey to the New Mexico Institute of Mining and Technology in Socorro, New Mexico, at fair market value, and subject to valid ex-

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isting rights, certain interests of the United States in approximately 8,501.55 acres of public land in Socorro County, New Mexico.

BACKGROUND AND NEED

The New Mexico Institute of Mining and Technology is a State-supported school located in Socorro, New Mexico, immediately east of the lands proposed for transfer in H.R. 4971. The Institute is interested in competing for contracts to do various types of research, including some associated with advanced weapons systems known as Technical Exposive Research Assistance. Acquisition of the land covered by the bill would allow the school to compete for these research contracts by providing the necessary space for the construction of new research facilities, including weapons testing ranges.

Under the bill, the surface estate in the lands, managed now by the Bureau of Land Management, would be conveyed to the Institute at fair market value. Preliminary estimates by the BLM show that the land is valued at $640,000.

The bill reserves all mineral rights to the Federal Government and requires the Institute to perform and provide the Secretary of the Interior with a survey of the archaeological resources of the area prior to the conveyance. Further, the conveyance is subject to all valid existing rights.

While it is possible that a conveyance of the sort which would be mandated by this bill could be achieved through use of BLM's authorities under the Federal Land Policy and Management Act, the Committee has been informed that requisite preliminary steps toward that end have not yet been taken. The Committee recommends enactment of H.R. 4971, as reported, in order to facilitate this conveyance in a timely manner.

During the Committee's consideration of H.R. 4971, a question was raised as to the possible impacts of the proposed conveyance on the Socorro isopod, an endangered species. The Committee has been informed that the critical habitat of this isopod is not located on the lands to be conveyed under the bill, but on nearby lands owned by the State of New Mexico. The Committee was also assured by New Mexico Institute of Mining and Technology that the Institute had entered into an agreement with responsible State officials to assure that the habitat of the isopod would be maintained and protected.

THE COMMITTEE AMENDMENTS

The Committee adopted two amendments, both technical in nature. The first deletes a reference to the Agriculture Committee, a reference which is not relevant to the bill since the lands involved are solely lands managed by the Department of the Interior through the Bureau of Land Management. The second amendment conforms the statutory citation of the mining law to the form of citation used in the version of the bill already reported by the Senate Committee on Energy and Natural Resources.

SECTION-BY-SECTION ANALYSIS

Section 1 provides that, subject to valid existing rights, and to the reservation of the mineral estate in the lands covered by the bill, the Secretary of the Interior is authorized and directed to convey the lands covered by the bill to the New Mexico Institute of Mining and Technology, at fair market value to be determined by the Secretary.

Subsection (b) of section 1 provides that the conveyance to the Institution shall occur only after the Institute performs and provides to the Secretary a survey of the archaeological resources of the land to be conveyed, and the mitigation measures to be implemented with regard to those resources.

Section 2 requires that a map and legal description of the lands covered by the bill be submitted to the appropriate Committees of the House and Senate, and that the maps also be available for public inspection in BLM's Santa Fe, New Mexico, offices.

Section 3 reserves to the United States the minerals in the lands to be conveyed and, subject to valid existing rights, withdraws them from mineral entry.

OVERSIGHT STATEMENT

The Committee on Interior and Insular Affairs will have continuing responsibility for oversight of the implementation of H.R. 4971 after its enactment. No reports and recommendations were received by the Committee pursuant to Rule X, clause 2(b)(2) of the Rules of the House of Representatives.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(2) of Rule XI of the Rules of the House of Representatives, the Committee finds that enactment of H.R. 4971 will have no inflationary impact on the national economy.

COST AND BUDGET ACT COMPLIANCE

In the opinion of the Committee, enactment of H.R. 4971 will not result in significant costs. The estimate of the Congressional Budget Office follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 7, 1986.

Hon. MORRIS K. UDALL,
Chairman, Committee on Interior and Insular Affairs, U.S. House of Representatives, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 4971, a bill to direct the Secretary of the Interior to convey certain interests in lands in Socorro County, New Mexico, to the New Mexico Institute of Mining and Technology, as ordered reported by the House Committee on Interior and Insular Affairs, August 6, 1986.

This bill would direct the Secretary of the Interior to convey to the New Mexico Institute of Mining and Technology, at fair

market value, certain interests in 8,501 acres of land managed by the Bureau of Land Management. The bill requires, as a condition of the conveyance, that the Institute perform a study of archeological resources of the land and perform mitigation measures as are necessary. Based on information from the Department of the Interior, CBO estimates that enactment of the bill would result in receipts to the federal government of about $640,000 and would not affect the budgets of local governments. Purchase of the land and completion of an archeological resource study and mitigation measures would result in a cost to the State of New Mexico of approximately $650,000.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

RUDOLPH G. PENNER.

LEGISLATIVE HISTORY AND COMMITTEE RECOMMENDATION

H.R. 4971 was introduced by Representative Richardson on June 10, 1986. On July 29, 1986, the Subcommittee on Public Lands held a hearing on the bill and on August 5, 1986 adopted amendments and favorably referred the bill, as so amended, to the full Committee. On August 6, 1986 the Committee on Interior and Insular Affairs adopted amendments to the bill and ordered the bill as so amended favorably reported to the House by a voice vote.

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